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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 LEADCLICK MEDIA, INC.

Case No.: C 06 3891 SC

12 Plaintiff

13 v.
14
15 **STIPULATION SHORTENING TIME FOR
HEARING DISCOVERY MOTION; ORDER**

16 RELATIONSERVE MEDIA, INC., SENDTEC,
17 INC., and DOES I through X,

18 Defendants.

19 SENDTEC, INC.,

20 Counterclaimant,

21 v.
22

LEADCLICK MEDIA, INC.,

Counterdefendant

STIPULATION

The parties hereto, through their respective counsel of record, stipulate as follows:

1. On or about May 25, 2007, plaintiff LeadClick Media, Inc. ("LeadClick") timely served its Second Set of Interrogatories (the "Interrogatories") on defendant SendTec, Inc., fka RelationServe Media, Inc. ("SendTec").

2. On or about June 20, SendTec timely served its written response to the Interrogatories.

1 3. LeadClick deemed SendTec's response inadequate, and, on June 29, counsel for
2 LeadClick FAXEd a letter to counsel for SendTec specifying the inadequacies and requesting a further
3 response. On July 6, counsel for SendTec advised counsel for LeadClick that he has been engaged in a
4 trial in another matter and had not had the opportunity to consult with his client about this issue. He also
5 stated that, due to scheduling conflicts, he would not be able to address this matter until the end of next
6 week.

7 4. Pursuant to Local Rule 26-2, the deadline for LeadClick to file a motion to
8 compel further discovery responses is Monday, July 9.

9 5. Counsel for LeadClick was advised by the Court's clerk to notice any motion to
10 compel further discovery responses for the Court's August 3 calendar.

11 6. The parties desire to have additional time to be able to meet and confer regarding
12 the adequacy of SendTec's responses to the Interrogatories in an effort to resolve this issue without
13 judicial intervention. They also agree that, if their discussions are unsuccessful, the issue should be
14 presented to the Court for hearing and decision on August 3.

15 7. To accomplish this objective, the parties agree to shorten time for a motion to
16 compel further discovery responses if one proves necessary. Specifically, the parties agree that the time
17 for LeadClick to file a motion to compel further discovery responses is extended to July 16; if LeadClick
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1 files such a motion, the hearing shall be noticed for August 3; SendTec shall file its opposition by July
2 23, and LeadClick shall file its reply, if any, by July 30.

3 DATED: July 6, 2007

ROBERT T. SULLWOLD
JAMES A. HUGHES
SULLWOLD & HUGHES

6 s/ Robert T. Sullwold
7 Robert T. Sullwold
8 Attorneys for
9 Plaintiff LeadClick Media, Inc.

10 DATED: July 6, 2007

KENNETH J. RUBINSTEIN
HAYNES & BOONE, LLP

13 s/ Kenneth J. Rubinstein
14 Kenneth J. Rubinstein
15 Attorneys for
16 Defendant SendTec, Inc.

ORDER

17 Having considered the foregoing Stipulation, and good cause appearing therefor, IT IS
18 ORDERED:

19 1. The time for LeadClick to file any motion to compel further discovery responses
20 is extended to July 16.

21 2. If LeadClick files such a motion, it shall notice it for hearing on the Court's
22 August 3 calendar. Send Tec shall file its opposition by July 23 and LeadClick shall file its reply, if any,
23 by July 30.

24 DATED: July 6, 2007

